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Plaintiffs and Class Representatives,
6 RICHARD REES and ROBERT WINTERS, et al.

7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 (Fresno Division)
11

12 RICHARD REES, ROBERT WINTERS,) CASE NO. CV-F-05-0297 LJO SMS
et al.,)
13) ORDER AND JUDGMENT
Plaintiffs,) ON FINAL APPROVAL OF CLASS
14) ACTION SETTLEMENT
vs.)
15)
SOUZA'S MILK TRANSPORTATION,)
16 CO., et al.,)
17 Defendants.)
18)
_____)

19
20 Pursuant to the Order On Preliminary Approval Of Class Action
21 Settlement filed herein on March 4, 2009 (Doc. 206), a Final
22 Approval Hearing was held at 8:15 a.m. on May 18, 2009 in Courtroom
23 4 of this Court. Plaintiffs, individually and on behalf of all
24 others similarly-situated (collectively "plaintiffs"), appeared at
25 the hearing by telephone through class counsel, Jerry Budin.
26 Defendants Souza's Milk Transportation Co. and Manuel B. Souza, Jr.
27 ("Souza") appeared at the hearing by counsel Daniel Dixon of
28 Dowling, Aaron & Keeler, Inc. The case was called at the hearing

1 and the Court inquired whether anyone else in the courtroom was
2 present to participate in the hearing. There was no response to
3 this inquiry. The Court then inquired of counsel whether they
4 expected anyone to appear at the hearing. Both counsel responded
5 in the negative.

6 Having considered Plaintiffs' Memorandum Of Points And
7 Authorities and Class Counsel's and the Class Representatives'
8 Declarations In Support Of Final Approval Of Class Action
9 Settlement and the papers previously filed herein, the Court makes
10 the following Findings:

11 1. No class member or interested individual appeared
12 personally at the time and place for the Final Approval Hearing
13 (May 18, 2009, 8:15 a.m., Courtroom 4) which was contained in the
14 Notice provided to all potential class members.

15 2. The Court finds that notice to the class was
16 the best practicable under the circumstances and was satisfied and
17 timely mailed as previously ordered by the Court.

18 3. The Court finds that the consideration for the
19 proposed settlement is fair, adequate, and reasonable.

20 4. The Court finds that there were no objections or
21 exclusions from the proposed settlement.

22 5. The Court finds that the settlement was not
23 collusive, and that the parties have engaged in sufficient
24 discovery to understand the strengths and weaknesses of their own
25 and their opponent's cases.

26 6. The Court finds that the lawyers representing the
27 parties were competent and experienced counsel, and that no party
28 has been subjected to any undue influence in reaching the

1 settlement.

2 7. The Court finds that the attorney's fees and costs
3 requested by Class Counsel, Jerry Budin, in the total sum of
4 \$8,500.00 are fair and reasonable.

5 8. The Court finds that the formula for disbursement
6 of the settlement proceeds to the Classes and the procedure for
7 administration of that disbursement as set forth in the Stipulation
8 Regarding Settlement Of Class Action are fair, adequate and
9 reasonable.

10 9. The Court finds that the Settlement Class members
11 are similarly-situated and meet the requirements for certification
12 of a class action under F.R.C.P. 23 and as a collective action
13 under 29 U.S.C. §216(b).

14 10. The Court finds that a payment of \$1,000.00 each to
15 Class Representatives, Richard Rees and Robert Winters, for their
16 efforts and services on behalf of the Classes is fair and
17 reasonable.

18 IT IS HEREBY ADJUDGED AND ORDERED that:

19 1. The Stipulation Regarding Settlement Of Class Action
20 filed herein on March 4, 2009 (Doc. 207) is approved in full.

21 2. Defendants Souza's Milk Transportation Co. and Manuel B.
22 Souza, Jr., shall pay attorneys fees and costs in the total sum of
23 \$8,500.00 to Class Counsel, Jerry Budin, pursuant to the procedures
24 set forth in the Stipulation Regarding Settlement Of Class Action.

25 3. Defendants Souza's Milk Transportation Co. and Manuel B.
26 Souza, Jr. shall make payments to the twenty-one (21) Settlement
27 Class 1 members and to the sixteen (16) Settlement Class 2 members
28 pursuant to the procedures and formulas set forth in the

1 Stipulation Regarding Settlement Of Class Action.

2 4. Defendants Souza's Milk Transportation Co. and Manuel B.
3 Souza, Jr. shall make a payment of \$1,000.00 to each Class
4 Representative, Richard Rees and Robert Winters.

5 5. This Court shall retain jurisdiction over this matter and
6 the parties for the purpose of enforcing compliance with said
7 Stipulation Regarding Settlement Of Class Action.

8 6. Upon defendants Souza's Milk Transportation Co. and
9 Manuel B. Souza, Jr.'s satisfaction of their obligations under said
10 Stipulation Regarding Settlement Of Class Action and the payment of
11 all sums pursuant thereto, plaintiffs' counsel shall notify the
12 court, whereupon this matter shall be dismissed with prejudice.

13 **IT IS SO ORDERED.**

14 **Dated: May 18, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE